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7 Pro Se Plaintiff

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
9 **IN AND FOR THE COUNTY OF SANTA CLARA**  
10 **UNLIMITED JURISDICTION**

11 MARK CHRISTOPHER TRACY, an  
12 individual,  
13 Plaintiff,  
14 v.  
15 COHNE KINGHORN PC, a Utah Professional  
16 Corporation; SIMPLIFI COMPANY, a Utah  
17 Corporation; JEREMY RAND COOK, an  
18 individual; ERIC HAWKES, an individual;  
19 JENNIFER HAWKES, an individual;  
20 MICHAEL SCOTT HUGHES, an individual;  
21 DAVID BRADFORD, an individual; KEM  
22 CROSBY GARDNER, an individual;  
23 WALTER J. PLUMB III, an individual;  
24 DAVID BENNION, an individual; R. STEVE  
25 CREAMER, an individual PAUL HANDY  
26 BROWN, an individual; GARY A. BOWEN,  
27 an individual  
28 Defendants.

Case No.: 23CV423435

Honorable Evette D. Pennypacker  
[Dept. 6]

**REPLY TO DEFENDANT PAUL HANDY  
BROWN’S OPPOSITION TO MOTION TO  
RECONSIDER ORDER GRANTING  
DEFENDANTS’ MOTIONS TO QUASH  
SERVICE OF SUMMONS AND  
COMPLAINT FOR LACK OF PERSONAL  
JURISDICTION**

[Supplemental Declaration of Mark Christopher  
Tracy with Exhibit concurrently filed]

Hearing Date: March 26, 2024  
Time: 09:00 am (PST)

Action Filed: September 21, 2023  
Trial Date: TBD

24 Plaintiff Mark Christopher Tracy (“Mr. Tracy” and “Plaintiff”) respectfully submits this Reply  
25 to Defendant Paul Handy Brown’s Opposition (“Defendant Brown” and “Brown Opp.”) to Mr. Tracy’s  
26 Motion for Reconsideration of this Court’s Order Granting Motions to Quash Service of Summon and  
27 Complaint for Lack of Personal Jurisdiction submitted by Defendants Cohne Kinghorn P.C., Simplifi  
28 Company, land-developer Kem Crosby Gardner, Utah Attorneys Jeremy Rand Cook and David

1 Bennion, Emigration Improvement District (aka Emigration Canyon Improvement District, hereafter  
2 “ECID”) public records officers Eric and Jennifer Hawkes, and ECID trustees Michael Scott Hughes  
3 and David Bradford (collectively “Defendants”).

4 Defendant Brown argues that no new facts have been presented to the court per California Code  
5 Civ. P. § 1008(a) and, as such, the motion should be denied. Brown Opp. at p. 5.

6 This argument fails.

7 On March 5, 2024, eight days after the Notice of the Order was filed, Defendant Brown motioned  
8 this Court to issue a prefiling order pursuant to California Code of Civ. P. § 391.7 and thereby entered  
9 general appearance in the present litigation.

10 Specifically, it is long established in this forum that if the Defendant “appears and asks for any  
11 relief which could be given only to a party in a pending case [...] it is a general appearance regardless  
12 of how adroitly, carefully or directly the appearance may be denominated or characterized as special”  
13 (*Slaybaugh v. Superior Court*, (1977) 70 Cal. App.3d 217, 222 (citing *Greene v. Committee of Bar*  
14 *Examiners* (1971) 4 Cal. 3d 189, 200 [93 Cal. Rptr. 24, 480 P.2d 976]; *Davenport v. Superior Court*  
15 (1920) 183 Cal. 506, 511; *RCA Corp. v. Superior Court* (1975) 47 Cal. App. 3d 1007, 1009; *Chitwood*  
16 *v. County of Los Angeles* (1971) 14 Cal. App.3d 522, 527; and *Wilson v. Barry* (1951) 102 Cal. App. 2d  
17 778, 781.

18 As only a party to the proceedings may submit a motion per California Code of Civ. P. § 391.7,  
19 Defendant Brown,<sup>1</sup> entered general appearance in the present action and thereby consented to this  
20 court’s personal jurisdiction.

21 **CONCLUSION**

22 Based on the foregoing reasons, Mr. Tracy respectfully requests that the Court reconsider its  
23 Order based upon uncontested post-ruling jurisdictional facts and deny Defendant Brown’s Motion to  
24 Quash in its entirety.

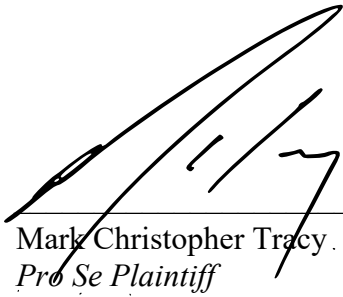
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26 <sup>1</sup> As Defendant Brown has refused to submit a sworn affidavit that he has at no time resided at 8214  
27 Quoite St, Downey, California 90242, a separate motion for relief pursuant to California Code Civ. P.  
28 § 473 also appears to be warranted. Tracy Supplemental Decl. at § 3; *see also, Peterson v. Peterson*,  
(1955) 135 Cal. App. 2d 814, 815-16.

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DATED: March 18, 2024

By:   
Mark Christopher Tracy  
*Pro Se Plaintiff*